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F.No.89-66/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Sikshanilay B.Ed. College, Fatapukur, Jalpaiguri, West Bengal dated 09/02/2016 is against the Order No. NCTE/ERCAPP2910/198th Meeting/17 dated 21/11/2015 of the Eastern Regional Committee, refusing recognition for conducting B.Ed. course on the grounds that failure to furnish the application fee, as prescribed under Rule 9 of the National Council for Teacher Education, Rules, 1997 on or before the date of submission of online applications; Failure to submit print out the applications made online along with the land documents as required under sub-regulation (4) of Regulation 5 within fifteen days of the submission of the online application. Taking the above Clause of the Regulation 2014 into consideration, the Eastern Regional Committee observed as follows: The date of application though online is 29/05/2015 and date of despatch of printout of online application is 01/07/2015 i.e. after 15 days of submission of online application. In view of the above the Committee decided as under: The application of the institution is summarily rejected as per clause 7(2)(b) of NCTE Regulation 2014.

AND WHEREAS Sh. Manish Chawla, Manager, Sikshanilay B.Ed. College, Fatapukur, Jalpaiguri, West Bengal presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "we had submitted the online application on 29/05/2015, and had applied for NOC from University but due to delay in getting the NOC from the University which we received on 30/06/2015 and was sent along with all other relevant documents."

AND WHEREAS Appeal Committee noted that the appellant institution submitted online application for B.Ed. course on 29.05.2015 and hard copy thereof was submitted on 1/07/2015 (by speed post) received in the office of E.R.C., Bhubaneswar on

06.07.2015. Appeal Committee further noted that NCTE (HQ) issued directions addressed to all Regional Committee offices stating that 15.07.2015 shall be the last date for submitting hardcopy of the application alongwith N.O.C. irrespective of the date of online application. Noting that hard copy of the application was submitted by the appellant institution much earlier than the revised cut-off date of 15.07.215, Appeal Committee decided to remand back the case to E.R.C. for further processing of the application.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to E.R.C. Bhubaneswar for further processing of the application.

NOW THEREFORE, the Council hereby remands back the case of Sikshanilay B.Ed. College, Fatapukur, Jalpaiguri, West Bengal to the ERC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Secretary, Sikshanilay B.Ed. College, LR 319, 754, New 1366, RS 66, 84/1, Raja Rammohan Roy Edu. Fnd., LR 164, 163, 165, Patagara, Fatapukur, NA Jalpaiguri, West Bengal – 735134.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Eastern Regional Committee, 15, Neelkanth Nagar, Nayapalli, Bhubaneshwar - 751 012.
4. The Secretary, Education (looking after Teacher Education) Government of West Bengal, Kolkata.

2



F.No.89-69/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Guru Nanak Dev University, Amritsar, Punjab dated 25/08/2014 is against the Order No. NRC/NCTE/NRCAPP-894/225th Meeting/2013/77428-43 dated 8th July, 2014 of the Northern Regional Committee, refusing recognition for conducting M.Ed. course on the grounds that institution has submitted the list of faculty for M.Ed., which includes one Professor and two Assistant Professors. Faculty is short of one Associate Professor and one Assistant Professor.

AND WHEREAS Dr. Amit Kouts, Professor & Head, Guru Nanak Dev University, Amritsar, Punjab presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "University has already advertised the two posts vide advertisement No. 2/2014 in different newspapers and University web site. Copies attached. We have received a number of applications and processed them for interviews (copies of received application attached) we are also fixing dates for interviews. Ours is a State Govt. University in Punjab with status of University with Potential for Excellence. We undertake to abide by all norms of the NCTE."

AND WHEREAS Appeal Committee noted that appellant university had filed appeal against the impugned order of July, 2014 but NCTE inadvertently could not list the appeal for hearing and a delay of almost one year and nine months has occurred.

AND WHEREAS Appeal Committee further noted that a Letter of Intent (LOI) was issued to appellant university in July, 2012 and S.C.N. dated 15.01.2013 was issued on grounds of non-submission of compliance report. The Compliance reported by the appellant university on 3.01.2014 was duly considered by N.R.C. Jaipur and it was

noticed that faculty was short by one Associate Professor and one Assistant Professor and accordingly rejection order dated 08th July, 2014 was issued on these grounds.

AND WHEREAS Appeal Committee noted that rejection order dated 08/07/2014 was issued by N.R.C. Jaipur when processing of all applications for teacher education courses was kept pending for the reason that NCTE Regulations, 2009 were under the process of revision. Revised NCTE Regulations were notified in November, 2014 and norms for M.Ed. course also underwent a change. It was incumbent on part of N.R.C. Jaipur to have assessed the requirement of course applied for by the appellant university as per NCTE Regulations, 2014. Appeal Committee, therefore, decided to remand back the case to N.R.C. Jaipur for reconsideration of the case as per NCTE Regulation 2014 and by granting the appellant an opportunity to comply with the extant regulations.

AND WHEREAS after perusal of the Memoranda of Appeal, affidavit, documents on record and oral arguments advanced during the hearing, Appeal Committee concluded to remand back the case to N.R.C Jaipur for reconsideration of the case as per NCTE Regulations, 2014 and by granting the appellant an opportunity to comply with the extant regulations.

NOW THEREFORE, the Council hereby remands back the case of Guru Nanak Dev University, Amritsar, Punjab to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Registrar, Guru Nanak Dev University, Amritsar, Punjab – 143005.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Punjab, Chandigarh.



3

F.No.89-70/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Al Zeeshan College of Elementary Teacher Education, Nalgonda, Andhra Pradesh dated 14/02/2016 is against the Order No. SRO/NCTE/SRCAPP14891/D.El.Ed-AI/TS/2016-17/79034 dated 22/02/2015 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. (Additional Intake) on the grounds that "reply not satisfactory. Refuse and close the file."

AND WHEREAS Md. Rafeek Ahmed, Secretary, Al Zeeshan College of Elementary Teacher Education, Nalgonda, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "ours is a Minority Educational Institution Established under Article 30 of the Indian constitution. In our understanding the requirement of NOC does not arise. Hence it is our sincere appeal of consider our case and process the application in the light of Article 30."


AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 30.06.2015 was accepted and processed by S.R.C. Bangalore keeping in view the Minority status of the appellant society. A copy of the application, so received, was sent to Department of Education, Government of Telangana seeking recommendation. Sub Section (3) of Section 5 of the NCTE Regulation, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted along with application. In this case, the request of the appellant institution for issue of N.O.C. was turned down by the affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70% filling up minority

student and has not maintained the conditions of the G.O. Ms No. 1 Minorities Welfare (M&P) Department dated 16.01.2004.

AND WHEREAS Appeal Committee is of the view that once an application is accepted it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of an institution covered by minority status is accepted at a stage when other institutions are not considered eligible to apply. But there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should honour the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 22.02.2015 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The Secretary, Al Zeeshan College of Elementary Teacher Education, Sy. No. 112, Al Zeeshan Educational Society, 112, Venkatadripalem, Miryalguda, Nalgonda, Andhra Pradesh – 508207.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



4

F.No.89-71/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Bhagath College of Elementary Education, Nalgonda, Andhra Pradesh dated 15/02/2016 is against the Order No. SRO/NCTE/SRCAPP2352/D.El.Ed.-AI/TS/2016-17/80824 dated 22/01/2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds of "non-submission of NOC issued by the affiliating body along with application."

AND WHEREAS Sh. P. Nagi Reddy, Chairman, Bhagath College of Elementary Education, Nalgonda, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "SRCAPP2352/Sri Shathavahana Educational Society – Submission of written representation – Show Cause Notice – reg. F.No. SRO/NCTE/SRCAPP-2352(2016-17)/D.El.Ed-AI/TS/2016-17/76693 dated 21/10/2015. With reference to the subject cited above. As per the NCTE Regulations – 2014 we have submitted the application."

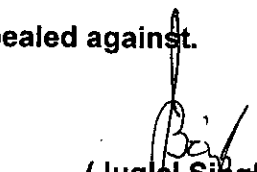
AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 23.05.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In this case, the request of the appellant institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority

students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted and processed at a stage when other institutions are not considered eligible to apply. But there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should honour the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 22.01.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President, Bhagath College of Elementary Education, 164/1, Sri Shathavahana Educational S, 164/1, Akupamula, Nalgonda, Andhra Pradesh – 508233.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



F.No.89-72/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Teja College of Elementary Education, Kodad, Nalgonda, Andhra Pradesh dated 15/02/2016 is against the Order No. SRO/NCTE/SRCAPP2353/D.El.Ed. – AI/TN/2016-17/80930 dated 30.01.2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed.-AI Course on the grounds that “the reply to the SCN is not satisfactory. They have admitted the deficiency. We cannot wait indefinitely from them to produce the NOC. According to the Regulations it is the responsibility of the applicant to secure and attach the NOC from the affiliating body. That being so, it is decided to reject the application.”

AND WHEREAS Sh. P. Nagi Reddy, Secretary, Teja College of Elementary Education, Kodad, Nalgonda, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that with reference to the subject cited above. As per the NCTE Regulations – 2014 we have submitted an applicant.”


AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned course in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 23.05.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section 3 of selection 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In the case, the request of the appellant institution for issue of N.O.C. was turned down by the affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70% filling up minority

students and has not maintained the conditions of G.O. Ms No. 1 Minorities Welfare (M&P) Department dated 1.04.2014.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by its minority status is accepted and processed at a stage when other institutions are not considered eligible to apply. But there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should honour the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 30.01.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Teja College of Elementary Education, 776/2&#, Prabhuteja Educational Society, 776/2&#, Kodad Nalgonda, Andhra Pradesh – 508206.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

6



F.No.89-73/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Joseph Yuva D.Ed. College, Kodad, Nalgonda, Telangana, Andhra Pradesh dated 16/02/2016 is against the Order No. SRO/NCTE/SRCAPP2445/D.El.Ed.-AI/TS/2016-17/80929 dated 30/01/2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed.-AI Course on the grounds that "the reply to the SCN is not satisfactory. They have admitted the deficiency. According to the Regulations it is the responsibility of the applicant to secure and attach the NOC from the affiliating body. That being so, it is decided to reject the application."

AND WHEREAS Sh. B. Rajendra Prasad, Representative, Joseph Yuva D.Ed. College, Kodad, Nalgonda, Telangana, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "as per the NCTE Regulations – 2014 we have submitted an application for the issue of NOC in the prescribed format provided by the affiliating body TSSCERT on 29/04/2015. Consequently the TSSCERT issued a letter vide Lr.Rc.No.397/A/TE/TSSCERT/2015, dated 29/06/2015 pointing out a few deficiencies to be fulfilled to issue NOC. The institution has submitted reply with supporting documents for the verification and consideration. Finally the Commissioner and Directorate of Education, Telangana."

AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 27.05.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating

body shall be submitted alongwith application. In this case, the request of the appellant institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004. In reply to a Show Cause Notice (S.C.N.) dated 21.10.2015, the appellant had accepted that its application for grant of N.O.C. was rejected by the affiliating body.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should respect the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 30.01.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Joseph Yuva D.El.Ed. College, 985/E/3, V470856, 985/E/3, Kodad, Nalgonda, Andhra Pradesh – 508206.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



7

F.No.89-74/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Dawn College of Elementary Education, Nidamanoor, Nalgonda, Andhra Pradesh dated 15/02/2016 is against the Order No. SRO/NCTE/SRCAPP 2644/D.El.Ed.-AI/TS/2016-17/79035 dated 22.12.2015 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed.-AI Course on the grounds that reply not satisfactory. Refuse and close the file.

AND WHEREAS Sh. B. Rajendra Prasad, Director, Member Secretary, Dawn College of Elementary Education, Nidamanoor, Nalgonda, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "as per the NCTE Regulations – 2014 we have submitted an application for the issue of NOC in the prescribed format provided by the affiliating body TSSCERT on 29/04/2015 (Enclos No.1). Consequently the TSSCERT issued a letter vide Lr.Rc.No.397/A/TE/TSSCERT/2015, dated 29/06/2015 (Enclos No.2) pointing out a few deficiencies to be fulfilled to issue NOC. The institution has submitted reply with supporting documents for the verification and consideration. Finally the Commissioner and Directorate of Education, Telangana."

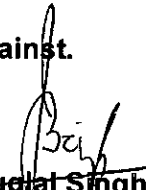
AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 29.05.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In this case, the request of the appellant

institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004. In reply to a Show Cause Notice (S.C.N.) dated 21.10.2015, the appellant accepted that the application for grant of N.O.C. was rejected by the Affiliating Body.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should respect the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 30.01.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Dawn College of Elementary Education, VL: Vempadu, Mdl: Nidamanoor, Dist: Nalgonda, Nidamanoor, Nalgonda, Andhra Pradesh – 508278
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.

8



F.No.89-75/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Al Rahman College of Elementary Teacher Education, Nalgonda, Andhra Pradesh dated 17/02/2016 is against the Order No. SRO/NCTE/SRCAPP14778/D.El.Ed./TS/2016-17/80926 dated 30/01/2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "the reply to the SCN is not satisfactory. They have admitted the deficiency. According to the Regulations it is the responsibility of the applicant to secure and attach the NOC from the affiliating body. That being so, it is decided to reject the application."

AND WHEREAS Mohd. Younus Shareef, Vice President, Al Rahman College of Elementary Teacher Education, Nalgonda, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "ours is a Minority Educational Institution Established under Article 30 of the Indian constitution. In our understanding the requirement of NOC does not arise. Hence it is our sincere appeal to consider our case and process the application in the light of Article 30."

AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 30.06.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In this case, the request of the appellant

institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004. In reply to a Show Cause Notice (S.C.N) dated 21.10.2015, the appellant expressed its inability to get N.O.C. and sought some time for making N.O.C. available.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should respect the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 30.01.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Al Rahman College of Elementary Teacher Education, 590, Al Rahman Educational Society, 590, Charlapally, Nalgonda, Andhra Pradesh – 508001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



9

F.No.89-76/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS The appeal of Alexander College of Education, Karimnagar, Andhra Pradesh dated 18/02/2016 is against the Order No. SRO/NCTE/SRCAPP14081/D.El.Ed.-AI/TS/2016-17/81699 dated 15/02/2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed.-AI Course on the grounds that "rejected for non-submission of reply to SCN issued for non-submission."

AND WHEREAS Dr. M.A. Maqtadir, Chairman, Alexander College of Education, Karimnagar, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that as per show cause notice asking us to submit necessary Certificate/documents relating to NOC but Telangana State Govt. is not giving NOC to all colleges, so we are unable to reply to show cause notice. Since ours is a Minority Educational Institution Established under article 30 of the Indian constitution. In our understanding the requirement of NOC does not arise. Hence it is our sincere appeal to consider our case and process the application in the light of article 30 of Indian constitution."


AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 26.06.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In this case, the request of the appellant

institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004. The appellant institution was issued a Show Cause Notice (S.C.N.) dated 21.10.2015 for non-submission of N.O.C. from affiliating body. The appellant did not submit any reply to the S.C.N.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should respect the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 15.02.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Alexander College of College of Education, 40/A, 40/B, 41/A, 578/B, Iqballunisa Memorial Trust, Muqdumpur, Karimnagar, Andhra Pradesh – 505186.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



10

F.No.89-77/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Alexander College of Elementary Teacher Education, Karim Nagar, Andhra Pradesh dated 18/02/2016 is against the Order No. SRO/NCTE/SRCAPP1484/D.El.Ed./TS/2016-17/81697 dated 15/02/2016 of the Southern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "rejected for non-submission of reply to SCN issued for non-submission of NOC."

AND WHEREAS Dr. M.A. Maqtadir, Chairman, Alexander College of Elementary Teacher Education, Karim Nagar, Andhra Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that "as per show cause notice asking us to submit necessary Certificate / Documents relating to NOC but Telangana State Govt. is not giving NOC to all colleges, so we unable to reply to show cause notice. Since ours is a Minority Educational Institution Established under article 30 of the Indian constitution. In our understanding the requirement of NOC does not arise. Hence it is our sincere appeal to consider our case and process the application in the light of article 30 of Indian constitution."

AND WHEREAS Appeal Committee noted that D.El.Ed. course comes under the category of banned courses in the State of Telangana. The application for D.El.Ed. (Additional Intake) submitted by appellant institution on 26.06.2015 was accepted and processed by S.R.C. Bangalore keeping in view the minority status of the appellant society. Copy of the application, so received, was sent to Department of Education, Government of Telangana seeking their recommendations. Sub Section (3) of Section 5 of the NCTE Regulations, 2014 envisage that N.O.C. issued by concerned affiliating body shall be submitted alongwith application. In this case, the request of the appellant

institution for issue of N.O.C. was turned down by affiliating body on the ground that the appellant institution had failed to fulfil requisite condition of 70 % filling up minority students and has not maintained the conditions of the G.O. Ms No. 1 Minorities welfare (M&P) Department dated 16.01.2004. The appellant institution was issued a Show Cause Notice (S.C.N.) dated 21.10.2015 on grounds of non-submission of N.O.C. from affiliating body. The appellant did not submit any reply to the S.C.N.

AND WHEREAS Appeal Committee is of the view that once an application is accepted, it shall be processed in accordance with the statutorily prescribed procedure. The input of State Government as a stake holder under the current rules is relevant and cannot be undermined. The application of institution covered by minority status is accepted there is certainly no relaxation in the norms and standards thereafter. If the affiliating body has detected any deficiency resulting into non-issue of N.O.C. or denying N.O.C., NCTE should respect the verdict unless the appellant institution gets relief through permissible legal course. Keeping in view the current status of the case, Appeal Committee decided to confirm the refusal order dated 15.02.2016 issued by S.R.C. Bangalore.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the SRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the SRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Jugtar Singh)
Member Secretary

1. The President/Secretary, Alexander College of Elementary Teacher Education, 107 & 108, Iqballunissa Memorial Trust, 107 & 108, Dubbapet, Karimnagar, Andhra Pradesh – 505186.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Southern Regional Committee, Jnana Bharathi Campus Road, Nagarabhavi, Opp. National Law School, Bangalore - 560 072.
4. The Secretary, Education (looking after Teacher Education) Government of Andhra Pradesh, Hyderabad.



(11)

F.No.89-78/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Pratap College of Education, Karnal, Haryana dated 25/02/2016 is against the Order No. NRC/NCTE/NRCAPP-5246/246th Meeting/2015/132634 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting B.Ed. Course on the grounds that the institution was given SCN dated 04/09/2015. The institution was required to submit proof / evidence of composite institutions, NOC from affiliating body and other documents as per Regulations, 2014. Reply submitted by the institution dated 29/09/2015 is not accepted. Hence, the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3) (b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a Writ Petition WP (C) 1490/2016 before the High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016, disposed of the Writ Petition with a direction to the Respondent to decide the appeal filed by the petitioner on or before 3rd March, 2016. The Hon'ble High Court has not expressed any opinion on the merits of the controversy and left the rights and contentions of the parties open.

AND WHEREAS Sh. Honey Chaudhry, Chairperson and Sh. Jaspal Singh, Secretary, Pratap College of Education, Karnal, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation the appellant made detailed submissions covering various issues. Specifically, the submissions made in respect of the grounds on which N.R.C. refused recognition are as follows:-

(i) Proof of evidence that the appellant is a composite institution.

The appellant had submitted their application in 2012, when the Regulations of 2009 were in force and according to which an institution was permitted to submit only one application. The said application has been re-submitted pursuant to the orders of the Hon'ble High Court. If the NRC had processed their application and granted recognition for 2015-16, for seeking recognition for another course, they would have become composite institution by 2016-17 NCTE's clarification dt. 2.06.2015 that institutions should become composite institutions not later than 2016-17 is contrary to the provisions of clause 8(i) of the NCTE Regulations, 2014. All Regional Committees except the N.R.C. have processed the pending applications of stand alone without insisting upon the requirement of becoming composite institutions. Requirement of becoming composite institution can be enforced by the N.R.C. only after recognition is granted for at least one course.

(ii) N.O.C. for the affiliating body:-

The appellant had submitted their application in 2012. There is no provision in the 2014 Regulations for submission of N.O.C. in cases where applications were pending. There is no provision in the NCTE Regulations 2014 which enabled the applicant to submit a fresh application for 2015-16 session. The N.O.C. is applicable only to new applications as it has to accompany such applications.

AND WHEREAS the Committee noted that the N.R.C. issued a Show Cause Notice to the appellant on 04.09.2015 asking for various informations and documents mentioned therein. The appellant replied by his letter dt. 29.09.2015. After considering the reply N.R.C. refused recognition on the grounds mentioned in their order dt. 31.12.2015. From the wording of the show cause notice and the reply thereto, the Committee noted that as required in the show cause notice, the appellant furnished an affidavit stating that their institution is not a composite one at present and they will make it a composite one before the commencement of the 2016-17 session. In these circumstances the ground of non-submission of proof of becoming a composite institution does not stand. The appellant also enclosed a copy of their letter (date being not clear) to the Director, General Higher Education, Haryana requesting for an N.O.C.



Regarding non-submission of N.O.C. from the affiliating body, the letter written by the appellant to the Director General Higher Education read with the submissions of the appellant regarding non-applicability of N.O.C. to the pending applications, which were to be considered for 2015-16, invalidates this ground. The statement in the refusal order that 'other documents' were not submitted and the reply dt. 29.09.2015 is not accepted, is vague.

AND WHEREAS in view of the above position the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of Pratap College of Education, Karnal, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The President/Secretary, Pratap College of Education, 92, 127, 56, Takhana, Karnal, Haryana – 132116.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



F.No.89-79/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Minerva College of Education, Karnal, Haryana dated 25/02/2016 is against the Order No. NRC/NCTE/NRCAPP-2869/246th Meeting/2015/132609 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendation of State of Haryana.

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a Writ Petition WP (C) 1495/2016 before the High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016, disposed of the Writ Petition with a direction to the Respondent to decide the appeal filed by the petitioner on or before 3rd March, 2016. The Hon'ble High Court has not expressed any opinion on the merits of the controversy and left the rights and contentions of the parties open.

AND WHEREAS Sh. Honey Chaudhry, Chairperson and Sh. Jaspal Singh, Secretary, Minerva College of Education, Karnal, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation, the appellant made detailed submissions covering various issues. Specifically, the submissions made in respect of the two grounds on which N.R.C. refused recognition are as follows:-

(i) Non-submission of N.O.C. from the affiliating body:-

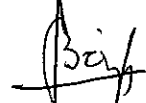
The appellant submitted their application in 2012. There is no provision in the 2014 Regulations for submission of N.O.C. in cases where the applications were pending. The requirement of submitting N.O.C. applies to new institutions as N.O.C is required to be submitted alongwith submission of new application. After notification of

2014 Regulations the NCTE decided to process the pending applications from the stage they were kept pending. Regional Committees processed pending applications and granted recognition requiring the institutions to procure and submit the N.O.C.

(ii) **Negative Recommendation of State Government:-**

The N.R.C. did not issue any show cause notice on this ground. The State Government according to the Regulations is required to furnish their views within a particular time frame. The State Government has not furnished any recommendation but they have given their objection to the opening of new institutions/courses.

AND WHEREAS the Committee noted that the N.R.C. issued a show cause notice to the appellant on 04.09.2015 asking for various informations and documents mentioned therein. The appellant replied on 29.09.2015. After considering the reply, N.R.C. refused recognition on the two grounds mentioned in their order dt. 30.12.2015. In the reply to the show cause notice regarding N.O.C. from the affiliating body, the appellant enclosed a copy of his letter dt. 10.12.12 to the Director General Higher Education, Haryana requesting for an N.O.C. for which no reply has been received. In view of this position and in the light of the other submissions made by the appellant, this ground does not appear to be justified. Regarding negative recommendation of State Government, the Committee noted that the N.R.C. sent a list of 16 institutions, including that of the appellant, whose applications for grant of recognition for D.El.Ed. course were pending to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015 seeking their recommendations within 45 days. The file does not indicate whether any reply has been received. According to the provisions of Clause 7(5) & (6) of the NCTE Regulations, 2014, if no reply is received from the State Government even after issue of two reminders, the Regional Committee shall process the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendations of the State Government. In the case of the appellant no recommendation appears to have been received from the State Government. Further as submitted in the appeal, no show cause notice was issued on the ground of negative recommendation of the State Government. In these circumstances this ground does not stand.



AND WHEREAS in view of the above position the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of Minerva College of Education, Karnal, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Jugla Singh)
Member Secretary

1. The President/Secretary, Minerva College of Education, Taraori 26, O, 28, Takhana, Karnal, Haryana – 132116.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



(13)

F.No.89-80/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Aspire Welfare and Research Development Society, Indore, Madhya Pradesh dated 02/02/2016 is against the Order No. WRC/APP2724/223/235th/2015/156456 dated 03/12/2015 of the Western Regional Committee, rejecting their application for grant of recognition for conducting B.Ed. Course on the grounds that "the college applied online on 29/05/2015. However, the hard copy was received on 13/07/2015, which is more than the 15 days stipulated under the NCTE Regulations, 2014. Hence, the application is summarily rejected and application fee paid be forfeited. In view of the above, the application of the institution is hereby summarily rejected.

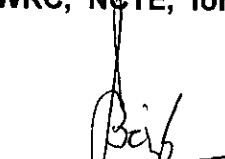
AND WHEREAS aggrieved by the order of the W.R.C, the appellant filed a Writ Petition WP (C) 449/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 02.02.2016 directed that the applications filed by the petitioner will be decided by the respondents and a final decision will be taken expeditiously but not later than 03.03.2016.

AND WHEREAS Sh. Kunal Kasliwal, Secretary and Sh. Vijay Pal, Member, Aspire Welfare and Research Development Society, Indore, Madhya Pradesh presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that the appellant has submitted the printout of the online application on 09/07/2015 i.e. within 15 days of the last date for submission of online application and thus the impugned order being based on wrong assumption of facts is bad in law. That, infrastructural and other requirements of the appellant are well above the norms of NCTE and better than many other recognized institutions of the area, Rejection of application summarily is going to cause financial loss.

AND WHEREAS the Committee noted that the Council issued instructions to their Regional Committees informing that, for 2016-17, 15th July, 2015 will be the last date for submission of hard copies of the applications with N.O.C., irrespective of the date of online submission. The Committee also noted that the appellant filed their application online on 29.05.2015 and sent the hard copy of the application with their letter dt. 07.07.2015, which was received in the W.R.C. on 13.07.2015. Since the appellant submitted the hard copy of the application within the extended time i.e. 15.07.2015, the Committee concluded that the matter deserved to be remanded to the W.R.C. with a direction to process the application further as per the NCTE Regulation.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to WRC with a direction to process the application further as per the NCTE Regulation.

NOW THEREFORE, the Council hereby remands back the case of Aspire Welfare and Research Development Society, Indore, Madhya Pradesh to the WRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Principal, Aspire Welfare and Research Development Society, 453/2, Khandwa Road, Opp. Radhaswami Indore, Madhya Pradesh – 452001.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Western Regional Committee, Manas Bhawan, Shayamala Hills, Bhopal - 462002.
4. The Secretary, Education (looking after Teacher Education) Government of Madhya Pradesh, Bhopal.

(14)



F.No.89-81/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

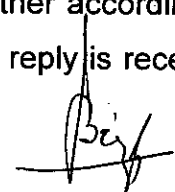
WHEREAS the appeal of Aakash College of Education, Tohana, Fatehabad, Haryana dated 19/02/2016 is against the Order No. NRC/NCTE/NRCAPP-3703/246th Meeting/2015/132662 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. (Addl.) Course on the grounds that NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendation of State of Haryana. Hence the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

AND WHEREAS the appellant aggrieved by the order of the N.R.C. filed a a Writ Petition W.P. (C) 1266/2016 & CM APPLs 5520-5521/2016 before the High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 17.02.2016 disposed of the petition with liberty to the petitioner to file an appeal, leaving the rights and contentions of all parties open. If the appeal is filed within a period of three days, the same is directed to be disposed of by the NCTE prior to 03.03.2016.

AND WHEREAS Sh. Rakesh Malik, President, Aakash College of Education, Tohana, Fatehabad, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that that the appellant had submitted its application in the year 2012 in response to public notice dated 26/11/2012 issued by the NCTE. The application was illegally rejected by the NRC on the ground of general negative recommendation. The said rejection was set aside by this Hon'ble Court and the NRC was directed to decide the application of the appellant for academic session 2016-17. It is submitted that upon resubmission of the application by the appellant, the NRC was obliged to decide the same from the stage from where it

was wrongly rejected. The impugned order passed by the NRC on the ground of negative recommendation of the State Govt. is violative of the orders passed by this Hon'ble Court and the law declared by the Hon'ble Supreme Court in several precedents, vide order dated 24/11/2014 and subsequent orders passed in similar cases, this Hon'ble Court had quashed the decision of the respondents in rejecting applications on the basis of general negative recommendation from the State Govt. The State government has not sent institution wise recommendation and the general omnibus recommendation sent by the State Government has been accepted by the N.R.C. as gospel truth and rejected the application. Regarding N.O.C. from the affiliating body, the appellant submitted that they submitted the application in 2012 and there is no provision for submission of N.O.C. in 2014 Regulations in cases where the applications were pending. The requirement of submitting N.O.C. applies to new institutions as N.O.Cs are to be submitted alongwith the submission of new applications, After notification of 2014 Regulations, the Regional Committees started processing the pending applications and did not insist upon submission of N.O.C. in all such cases and decided the applications with the requirement of institutions procuring the N.O.Cs and submitting.

AND WHEREAS the Committee noted that the N.R.C. issued a show cause notice to the appellant on 04.09.2015 asking for various informations and documents mentioned therein. The appellant replied on 30.09.2015. After considering the reply N.R.C. refused recognition on the two grounds mentioned in their order dt. 30.12.2015. In the reply the appellant submitted that they have applied as per 2009 Regulations and in those Regulations, there is no such requirement of no objection certificate by the affiliating body. In view of the submissions of the appellant the ground of non-submission of N.O.C. from the affiliating body does not appear to be justified. Regarding negative recommendation of the State Government, the appellant submitted that no show cause notice was given to him in this regard. The Committee noted that the N.R.C. sent a list of 16 institutions whose applications for grant of recognition for D.El.Ed. course were pending to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015 seeking their recommendation within 45 days. The name of the appellant institution is not included in that list. Further according to provisions of Clause 7(5) & (6) of the NCTE Regulations, 2014, if no reply is received



from the State Government even after issue of two reminders, the Regional Committee shall process and decide the case on merits and placing. The application before the Regional Committee shall not be deferred on account of non-receipt of the Comments/recommendation of the State Government. In these circumstances, this ground also does not stand.

AND WHEREAS in view of the above position the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of Aakash College of Education, Tohana, Fatehabad, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The President, Aakash College of Education, 202, Tohana-Bhuna Road, VPO-Chanderkalan, Tohana, Fatehabad, Haryana – 125120.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



15

F.No.89-82/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Aakash College of Education, Mandi Adampur, Hissar, Haryana dated 19/02/2016 is against the Order No. NRC/NCTE/NRCAPP-3704/246th Meeting/2015/132742 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Non-cumbrance certificate issued by competent authority. Hence the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

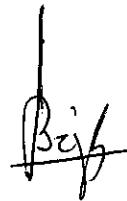
AND WHEREAS Aggrieved by the order of the N.R.C., the appellant filed a Writ Petition WP (C) 1274/2016 & CM APPLs 5609-5610/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 17.02.2016 disposed of the Writ Petition with liberty to the petitioner to file an appeal, leaving the rights and contentions of all the parties open. It is directed that if the appeal is filed within three days, it shall be disposed of by the NCTE prior to 03.03.2016.

AND WHEREAS Sh. Dayanand Jain, Vice President, Aakash College of Education, Mandi Adampur, Hissar, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that the appellant had submitted its application in the year 2012 in response to public notice dated 26/11/2012 issued by the NCTE. The application was illegally rejected by the NRC on the ground of general negative recommendation. The said rejection was set aside by this Hon'ble Court and the NRC was directed to decide the application of the appellant for academic session 2016-17. It is submitted that upon resubmission of the application by the appellant, the NRC was obliged to decide the

same from the stage where it was wrongly rejected. There is no provision in the NCTE Regulations, 2014 which requires submission of N.O.C. in cases where the applications are pending. The requirement of N.O.C. applies to new applications as the N.O.C. is required to be submitted along with the new applications. Therefore, the case of the appellant falls under the category of pending applications and therefore, the requirement of N.O.C. does not apply to the appellant. The rejection of the application on the ground of on-submission of non-encumbrance certificate from the competent authority is also contrary to the records. In reply to the Show Cause Notice issued by the NRC, the appellant had submitted the said certificate as is evident from a bare reading of the reply itself. Therefore the rejection of the application on this ground is bad in law.

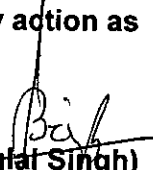
AND WHEREAS the Committee noted that the N.R.C. issued a show cause notice to the appellant on 08.09.2015 asking for various informations and documents mentioned therein. The appellant replied by his letter dt. 03.10.2015. The N.R.C. after considering the reply refused recognition on the two grounds mentioned in their order. In the light of the submission made by the appellant the ground relating non-submission of N.O.C. from the affiliating body does not seem to be justified. Regarding Non-Encumbrance Certificate, the Committee noted that in reply to the Show Cause Notice, the appellant submitted a certificate signed by the president of the society. In the course of personal hearing he submitted that very certificate duly countersigned by the Patwari and Tehsildar, Adampur on 29.01.2016 and 1.02.2016 respectively. The Committee felt that this certificate may be accepted.

AND WHEREAS in view of the above position the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations. The appellant is directed to forward a copy of the non-encumbrance certificate duly signed by Patwari and Tehsildar to the N.R.C. within 15 days of receipt of the orders on the appeal.



AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations. The appellant is directed to forward a copy of the non-encumbrance certificate duly signed by Patwari and Tehsildar to the N.R.C. within 15 days of receipt of the orders on the appeal.

NOW THEREFORE, the Council hereby remands back the case of Aakash College of Education, Mandi Adampur, Hissar, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The President, Aakash College of Education, 225, Agroha-Adampur Road, VPO-Kalirawan, Mandi Adampur, Hissar, Haryana – 125052.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



F.No.89-83/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION
 Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Sunrise College of Education, Narnaul, Mahendergarh, Haryana dated 24/02/2016 is against the Order No. NRC/NCTE/NRCAPP-6881/246th Meeting/2015/132459 dated 29/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that a proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014. NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendation of State of Haryana. Hence, the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a Writ Petition WP (C) 1370/2016 & CM APPLs 5975-5976/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016, disposed of the Writ Petition with a direction to the Respondent – NCTE to decided the petitioner's appeal as expeditiously as possible, but not later than 3rd March, 2016. The Hon'ble High Court has not expressed any opinion on the merits of the controversy and left the rights and contentions of the parties open.

AND WHEREAS Sh. Devender Singh, Member Society, Sunrise College of Education, Narnaul, Mahendergarh, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation the appellant made detailed submissions covering various issues. Specifically, the submissions made in respect of the three grounds on which N.R.C. refused recognition are as follows:-

- (i) **Proof of evidence that the applicant is a composite institution:-**

The appellant submitted the application during 2012 when the 2009 Regulations were in force, which permitted submission of one application only. Their application was not decided for the academic session 2015-16 as directed by the Hon'ble Delhi High Court. NCTE's clarification dt. 06.02.2015 that institutions should become composite institutions not later than 2016-17 is contrary to the provision of clause 8(1) of the NCTE Regulations 2014. All the Regional Committees except the N.R.C. have processed the pending applications of stand alone without insisting upon the requirement of composite institutions. Requirement of becoming composite institution can be enforced by the N.R.C. only after recognition is granted for at least one course.

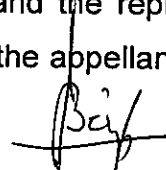
(ii) NOC from the affiliating body required under Clause 5(3) of the NCTE Regulations, 2014:-

There is no provision in the 2014 Regulations for submission of NOC in cases where applications were pending. There is no provision in these Regulations which enabled the appellant to submit a fresh application for 2015-16 session. The NOC is applicable only to new applications as it has to accompany such applications Regional Committee processed applications without insisting on production of NOC and granted recognition for 2015-16 session.

(iii) Negative recommendation of the State Government.

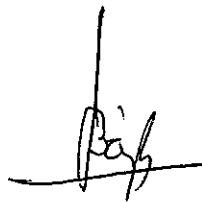
As per law declared by the Hon'ble Supreme Court of India, NCTE is the final authority to grant recognition and absence or non-grant of NOC by the State Government is immaterial and irrelevant as far as the power of the NCTE is concerned. The State Government has not sent any specific recommendation in respect of the appellant institution and a general omnibus recommendation sent by the State Government has been accepted as a gospel truth by N.R.C. which rejected the application. N.R.C. did not issue any Show Cause on this ground.

AND WHEREAS the Committee noted that N.R.C. issued a Show Cause Notice to the appellant on 04.09.2015 asking for various informations and document mentioned therein. The appellant replied through his letter dt. 30.09.2015. After considering the reply, the N.R.C. refused recognition on the three grounds mentioned in their order dt. 29.12.2015. From the wording of the show cause notice and the reply thereto, the Committee noted that as required in the show cause notice, the appellant furnished an



affidavit dt. 30.09.2015 affirming that the institution is not composite right now and will become a composite one before the commencement of the academic session 2016-17, if recognised. Therefore the first ground of refusal does not stand. Regarding N.O.C., the Committee noted that the N.R.C. sent a list of 16 institutions including that of the applicant, whose applications for grant of recognition for D.El.Ed. course were pending to SCERT Haryana with their letter dt. 27.03.2015. There is no reply from the SCERT. In response to an earlier Show Cause Notice dt. 2.03.2015, the appellant with his reply dt. 1.04.2015 forwarded a copy of his letter dt. 30.03.2015 to the SCERT, Gurgaon requesting issue of an N.O.C. This reply read with the submission of the appellant regarding non – applicability of NOC to the pending applications were to be considered for 2015-16 session, invalidates the second ground of refusal also. Regarding the third ground, namely, negative recommendation of the State Government, the Committee noted that the N.R.C. sent a list of 16 institutions, including that of the appellant, whose applications for grant of recognition for D.El.Ed. course were pending, to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015 seeking their recommendations within 45 days. The file does not indicate whether any reminder has been sent or any reply has been received. According to the provisions of Clause 7(5) and (6) of the NCTE Regulations 2014, if no reply is received from the State Government even after issue of two reminders the Regional Committee shall process and decide the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendations of the State Government. In the case of the appellant institution no recommendation appears to have been received from the State Government. Further as submitted in the appeal, no show cause notice was issued on the ground of negative recommendation of the State Government. In these circumstances, this ground also does not stand.

AND WHEREAS in view of the position emerging from the above analysis, the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the Regulations.

A handwritten signature in black ink, appearing to be 'Raj', is written over a horizontal line.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of Sunrise College of Education, Narnaul, Mahendergarh, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglar Singh)
Member Secretary

1. The President, Sunrise College of Education, Vill.-Chhapra Salimar, Post-Saraibahdur Nagar, Tes.-Narnaul, Dist.-Mohindergarh, Haryana – 123021.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



17

F.No.89-84/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

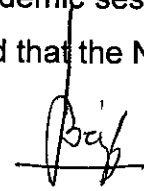
Date: 18/04/2016

ORDER

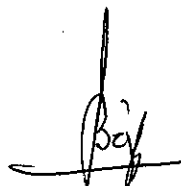
WHEREAS the appeal of Shri Krishan College of Education, Bhungarka, Narnaul, Mahendergarh, Haryana dated 24/02/2016 is against the Order No. NRC/NCTE/NRCAPP-5290/246th Meeting/2015/132421 dated 29/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that "Institution has not submitted following documents: (i) proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014. (ii) NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. (iii) Building plan approved by the competent authority. Hence, the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993."

AND WHEREAS Sh. Raj Pal, President, Shri Krishan College of Education, Bhungarka, Narnaul, Mahendergarh, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that (a) It is submitted that the impugned order passed by the NRC on the ground of becoming composite institution latest by 2016-17 is bad in law. The appellant had submitted its application in the year 2012 when the Regulations of the year 2009 were in force and according to which an institution was permitted to submit only one application. The said application has not been resubmitted pursuant to order passed by the Hon'ble Delhi High Court. The Hon'ble Delhi High Court had directed the respondents to decide the application for academic session 2015-16. If the NRC would have granted recognition for 2015-16 then the Appellant would have certainly submitted another application in 2015 for seeking recognition for another course and would have become composite institution by 2016-17. The respondent did not comply with the said

order within the given time frame. Now in these circumstances the said requirement of becoming composite institution cannot be applied to the case of the appellant. (b) It is submitted that Clause 8 (1) of NCTE Regulations, 2014 requires existing institutions to become composite gradually. It does not specify any time limit. Therefore the clause 3 of the clarification letter dated 06/02/2015 issued by the respondent No.1 to the extent it requires "institutions to move gradually to become a composite institution but not later than 2016-17" is contrary to Clause 8(1) of the NCTE Regulations, 2014 as the scope and ambit of the statutory Regulations cannot be restricted by means of an administrative orders. Said letter dated 06/02/2015 is an administrative order/circular and therefore it cannot act contrary to the Regulations. On this ground alone the impugned order is liable to be quashed. (c) After notification of new Regulations on 01/12/2014 the NCTE has issued several circulars/policies setting out the procedure for processing the pending applications. The NCTE has time and again stated that pending applications shall be processed from the stage they were kept in abeyance in view of the order dated 10/09/2013 passed by the Hon'ble Supreme Court. Thus the application of the appellant is also required to be processed in the like manner. All the Regional Committees have processed the pending applications of stand-alone without insisting upon the requirement of becoming composite institutions. The application of the appellant also falls in the said category. The conduct of the NRC in using different standards in processing similar and pending applications suffers from the vice of discrimination and is thus violative of the equality principle enshrined under Article 14 of the Constitution of India. (d) The requirement of becoming composite institution can be enforced by the NRC only after recognition is granted for at least one course. From the scheme of the Regulations it cannot be inferred that pending applications can be dismissed on such ground particularly when the application is pending since 2012. The impugned order passed by the NRC is thus bad in law. (e) The impugned order passed by the NRC is violative of the orders passed by the Hon'ble Delhi High Court and the law declared by the Hon'ble Supreme Court of India in catena of decisions. On this ground alone the impugned decision is liable to be quashed and consequently the NRC is required to be directed to decide the application of the appellant for academic session 2016-17. (f) The NRC has rejected the application inter-alia on the ground that the NOC



from the affiliating body has not been submitted. It is submitted that the appellant had submitted its application in the year 2012 in response to public notice dated 26/11/2012 issued by the NCTE. The application was illegally rejected by the NRC on the ground of general negative recommendation. The said rejection was set aside by the Hon'ble Delhi High Court and the NRC was directed to decide the application of the appellant for academic session 2015-16. There is no provision in the NCTE Regulations 2014 which enabled the appellant to submit fresh application for academic session 2015-16 and therefore the NRC asked the appellant to resubmit the old application. It is submitted that upon resubmission of the application by the appellant, the NRC was obliged to decide the same from the stage where it was wrongly rejected. This is also in consonance with the policy decision taken by the NCTE. There is no provision in the NCTE Regulations 2014 which requires submission of NOC in cases where the applications are pending. The requirement of submitting NOC applies to new applications as the NOC is required to be submitted alongwith submission of new application. Therefore the rejection of the application by the NRC on the ground of NOC submission of the NOC from the affiliating body is illegal and baseless. Since the NRC was required to decide the old application of the appellant therefore the appellant is lawfully not required to comply with the condition which essentially applies to new applicants. (g) In terms of order dated 10/09/2013 the Hon'ble Supreme Court had directed that the pending applications shall also be decided as per the new Regulations. After notification of the new Regulations on 01/12/2014, the NCTE decided to process all pending applications from the stage the applications were kept pending in the light of the said order. Therefore the requirement of submitting NOC does not apply to the appellant. The impugned order is thus bad in law and is liable to be quashed. (h) It is submitted that the requirement of submitting NOC from the affiliating body has been incorporated by the NCTE by way of administrative instructions. The NCTE Regulations 2014 does not require the institutions to submit such NOC. On this ground alone the requirement of NOC is liable to be set aside on the ground that administrative instruction cannot supersede statutory Regulations which have the force of law. (i) It is submitted that after notification of the new Regulations on 01/12/2014, all the four Regional Committees started processing the pending applications from the stage the applications

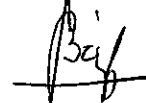


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were kept pending in view of order dated 10/09/2013 passed by the Hon'ble Supreme Court of India. The Regional Committee did not insist upon submission of the NOC in all such cases and they processed and decided the application with requiring the institutions to procure the NOC and submit the same. After processing all such applications the Regional Committees granted recognitions to large number of institutions from academic session 2015-16. The impugned order passed by the NRC is thus arbitrary and discriminatory and thus violative of the equality principle enshrined under Article 14 of the Constitution of India. (j) The impugned order passed by the NRC is clearly violative of the law declared by the Hon'ble Supreme Court of India in State of Maharashtra vs Sant Dnyaneshwar Shikshan Shashtra Mahavidyalaya & Ors [(2006) 2 SCC 617]. In which it has been held that final authority to grant recognition under NCTE Act is the NCTE and absence or non-grant of NOC by the State Govt. was immaterial and irrelevant so far as the power of the NCTE is concerned. The said decisions mandate that there is no requirement of insisting upon NOC from the State Govt. (k) It is submitted that large number of institutions falling within the jurisdiction of the Western Regional Committee [WRC] had submitted applications in response to public notice dated 27/02/2015 issued by the NCTE. As per the said notice there was no ban on certain courses in certain states. However while processing the applications the State Govt.'s gave negative recommendations on the ground of policy decision of not letting new institutions to be opened. These recommendations were considered by the WRC in its 239th meeting held from January 6-8, 2016, in which it considered large number of applications wherein the State Govt. had given negative recommendations and it declined to accept the same on the ground that the State Govt. should have objected at the time of issuing public notice. On the same reasoning the impugned order passed by the NRC is liable to be quashed. (l) The rejection of the application on the ground that building plan approved by competent authority has not been submitted is bad in law. The petitioner had submitted the said document earlier and also in response to the objection raised by the NRC. The impugned decision is thus contrary to the records of the case.

AND WHEREAS Appeal Committee noted that Show Cause Notice (S.C.N.) dated 08.09.2015 was issued to appellant institution seeking follows clarifications/documents:

- (i) Proof of being composite institution or




- 5 -
- (ii) Affidavit declaring that institution will become a composite institution.
 - (iii) N.O.C. from affiliating body.
 - (iv) Demand draft of processing fee.
 - (v) Copy of approved building plan.
 - (vi) Permission of the competent authority to use the land for educational purpose.
 - (vii) Non Encumbrance Certificate.
 - (viii) Affidavit in support of required information.

AND WHEREAS appellant institution submitted reply to S.C.N. vide its letter dated 07/10/2015 and considering the submissions made by appellant N.R.C. issued the impugned order on grounds that institution has not submitted following documents:

- (a) Proof of evidence to the effect that it is a composite institution.
- (b) N.O.C. from affiliating body.
- (c) Building Plan approved by the competent authority.

AND WHEREAS Appeal Committee noted that appellant institution had furnished to N.R.C. a sworn affidavit stating that the institution will be composite one before commencement of academic session 2016-17. Appeal Committee further noted that the appellant society had submitted an application dated 17/09/2015 to Director, SCERT, Gurgaon for issue of N.O.C. It is also noted that by virtue of order dated 21.01.2015 of Hon'ble High Court of Delhi in W.P. Case No. 621/2015, N.R.C. has also accepted the revised processing fees. As per requirement of NCTE Regulations, 2014 under the new regulations, the applicants are required to obtain N.O.C. from the affiliating bodies, as a pre-requisite to making application. Appeal Committee is of the view that it is not appropriate to reject the old pending applications on the ground that N.O.C. of affiliating body is not submitted because N.O.C. of affiliating body is implicit in the recommendation of State Government which are an important input in deciding such cases.

Negative recommendations of the State Government has not been mentioned as a ground for refusal and for N.O.C. of affiliating body the appellant has furnished evidence that an application to SCERT Gurgaon was made. Appellant's plea that the N.O.C. was not a pre requisite when they submitted application in Dec., 2012 under

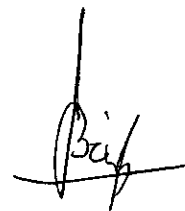


NCTE Regulations, 2009 is acceptable but at the same time now when application is being processed under NCTE Regulations, 2014, time has been allowed to them for seeking N.O.C. and making it available to N.R.C. As regards recommendations of the State Government there is no change in position and even if applications are invited and processed by N.R.C., the recommendations of the State Government cannot be ignored bearing it aside that non furnishing of any recommendation by the State Government, after the matter being referred to them and pursued suitably, can be treated as deemed approval.

Appeal Committee observed that appellant institution alongwith its reply to S.C.N. has furnished a copy of micro building plan which is not legible enough for verification purpose. Appellant should have been asked to furnish a bigger blue print of the building plan with necessary legends.

Considering that all the three grounds of refusal are not fully justified, Appeal Committee decided to remand back the case to N.R.C. for giving the appellant another opportunity to furnish (i) N.O.C. from affiliating body and (ii) Blue print of Building Plan containing details of land, address of property, proposed built-up area and the seal and signatures of civic authority approving the Plan. N.R.C. shall in the meantime also obtain the current status of State Government policy in respect of new proposed D.El.Ed. institutions.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC for giving the appellant another opportunity to furnish (i) N.O.C. from affiliating body and (ii) Blue print of Building Plan containing details of land, address of property, proposed built-up area and the seal and signatures of civic authority approving the Plan. N.R.C. shall in the meantime also obtain the current status of State Government policy in respect of new proposed D.El.Ed. institutions.



NOW THEREFORE, the Council hereby remands back the case of Shri Krishan College of Education, Bhungarka, Narnaul, Mahendergarh, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

- 1. The President, Shri Krishan College of Education, 45, Bhungarka, Narnaul, Mahendergarh, Haryana – 123001.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.**



18

F.No.89-85/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of G.R. College of Education, Narnaul, Mahendergarh, Haryana dated 24/02/2016 is against the Order No. NRC/NCTE/NRCAPP-6992/246th Meeting/2015/132644 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that a proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulation, 2014. NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendation of State of Haryana. Hence, the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution.

AND WHEREAS the appellant, aggrieved by the order of the N.R.C. filed a Writ Petition W.P. (C) 1364/2016 & CM APPLs 5963-5964/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016, disposed of the Writ Petition with a direction to the Respondent – NCTE to decide the petitioner's appeal as expeditiously as possible, but not later than 3rd March, 2016. The Hon'ble High Court has not expressed any opinion on the merits of the controversy and left the rights and contentions of the parties open.

AND WHEREAS Sh. Yash Pal Singh, Member Society, G.R. College of Education, Narnaul, Mahendergarh, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation, the appellant made detailed submissions covering various issues. Specifically, the submissions made in respect of the three grounds on which N.R.C. refused recognition are as follows:-

- (i) **Proof of evidence that the applicant is a composite institution:-**

The appellant submitted the application during 2012 when the 2009 Regulations were in force, which permitted submission of one application only. Their application was not decided for the academic session 2015-16 as directed by the Hon'ble Delhi High Court. NCTE's clarification dt. 06.02.2015 that institutions should become composite institutions not later than 2016-17 is contrary to the provisions of clause 8(1) of the NCTE Regulations 2014. All the Regional Committees except the N.R.C. have processed the pending applications of stand alone without insisting upon the requirement of composite institutions. Requirement of becoming composite institution can be enforced by the N.R.C. only after recognition is granted for at least one course.

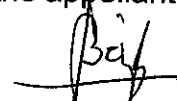
(ii) NOC from the affiliating body required under Clause 5(3) of the NCTE Regulations, 2014:-

There is no provision in the 2014 Regulations for submission of NOC in cases where applications were pending. There is no provision in these Regulations which enabled the appellant to submit a fresh application for 2015-16 session. The NOC is applicable only to new applications as it has to accompany such applications Regional Committee processed applications without insisting on production of NOC and granted recognition for 2015-16 session.

(iii) Negative recommendation of the State Government.

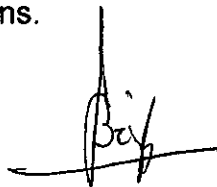
As per law declared by the Hon'ble Supreme Court of India, NCTE is the final authority to grant recognition and absence or non-grant of NOC by the State Government is immaterial and irrelevant as far as the power of the NCTE is concerned. The State Government has not sent any specific recommendation in respect of the appellant institution and a general omnibus recommendation sent by the State Government has been accepted as a gospel truth by N.R.C. which rejected the application. N.R.C. did not issue any Show Cause Notice on this ground.

AND WHEREAS the Committee noted that the N.R.C. issued a Show Cause Notice to the appellant on 08.09.2015 asking for various informations and documents mentioned therein. The appellant replied through his letter dt. 07.10.2015. After considering the reply, the N.R.C. refused recognition on three grounds mentioned in their order dt. 30.12.2015. From the wording of the Show Cause Notice and the reply thereto, the Committee noted that as required in the Show Cause Notice, the appellant furnished



an affidavit dt. 07.10.2015 affirming that the institution is not composite right now and they will become a composite institution before the Commencement of the academic session 2016-17, if recognised by N.R.C. Therefore the first ground of refusal does not stand. Regarding NOC from the affiliating body, the Committee noted that the N.R.C. sent a list of 16 institutions including that of the appellant, whose applications for grant of recognition for D.El.Ed. course were pending, to the SCERT, Haryana with their letter dt. 27.03.2015. There is no reply from the SCERT. In response to the Show Cause Notice dt. 08.09.2015, the appellant alongwith his reply dt. 07.10.2015 forwarded a copy of his letter dt. 24.03.2015 to the SCERT, Gurgaon requesting issue of an NOC. This reply read with the submission of the appellant regarding non – applicability of NOC to the pending applications which were to be considered for 2015-16 session, invalidates the second ground of refusal also. Regarding the third ground, namely, negative recommendation of the State Government, the Committee noted that the N.R.C. sent a list of 16 institutions, including that of the appellant, whose applications for grant of recognition for D.El.Ed. course were pending, to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015 seeking their recommendations within 45 days. The file does not indicate whether any reminder has been sent or any reply has been received. According to the provisions of Clause 7(5) and (6) of the NCTE Regulations 2014, if no reply is received from the State Government even after issue of two reminders, the Regional Committee shall process and decide the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendations of the State Government. In the case of the appellant institution no recommendation appears to have been received from the State Government. Further as submitted in the appeal, no show cause notice was issued on the ground of negative recommendation of the State Government. In these circumstances, this ground also does not stand.

AND WHEREAS in view of the position emerging from the above analysis, the Committee concluded that the matter deserved to be remanded to N.R.C. with a direction to take further action as per the Regulations.

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AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of G.R. College of Education, Narnaul, Mahendergarh, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The President, G.R. College of Education, 19/7, Ownership, Deroli Ahir, Narnaul, Mahendergarh, Haryana – 123028.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

19



F.No.89-86/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

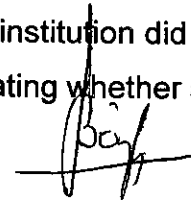
WHEREAS the appeal of Saraswati Devi College of Education, Pataudi, Gurgaon, Haryana dated 19/02/2016 is against the Order No. NRC/NCTE/NRCAPP-7024/246th Meeting/2015/132753 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that a proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014. NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulation, 2014. Negative recommendation of State of Haryana.

AND WHEREAS aggrieved by the order the N.R.C, the appellant filed a Writ Petition WP (C) 1379/2016 & CM APPLs 5995-5996/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016 disposed of the Writ Petition with a direction to respondent NCTE to decide the appeal as expeditiously as possible, but not later than 03.03.2016. The Hon'ble High Court has not expressed any opinion on the controversy and rights and contentions of all parties are left open.

AND WHEREAS Sh. Narender Singh, President, Saraswati Devi College of Education, Pataudi, Gurgaon, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that as per NCTE Regulations, 2014 in the case institutions which are not composite at present shall ensure that they become composite institutions when NCTE invite application as and when commencement of academic session. An affidavit to effect is required to be submitted by the institutions to NRC, NCTE. The institution has already submitted an affidavit of Rs. 100/- in this regards to NRC, NCTE in its reply. At the time of inviting application in 2012, NOC of affiliating body was not mentioned by NCTE. However after

intimation by NRC, NCTE under NCTE regulation 2014 the institution has applied for NOC from SCERT Gurgaon and submitted the application to the concerned affiliating body. A copy of application was submitted to NRC, NCTE in its reply. Annexure-2. The institution filed W.P. No. 7586/2013 in the Hon'ble High Court of Delhi at New Delhi. The Hon'ble Court in its order 24/11/2014 had stated that the input of State Govt. as a stakeholder under certain Rules is certainly relevant but it cannot be accepted as "Gospel truth". Hence negative recommendation should not be held as a ground of rejection. Moreover NCTE is a statutory designated authority who had invited application for establishing teacher education colleges in 2012. The creation of college infrastructure has costed the trust a huge drain on capital, manpower, time and efforts. The huge investment is lying waste and the resources could have been effectively utilized to impart teacher education to rural masses. Keeping the above in view, it is earnestly requested that the order of NRC be set aside and recognition be granted to our institution.

AND WHEREAS the Committee noted that the N.R.C. issued a Show Cause Notice dt. 10.09.2015 to the appellant institution asking for various informations and documents mentioned therein. The appellant replied on 06.10.2015. After considering the reply, N.R.C. refused recognition on the three grounds mentioned in the refusal order. The appellant alongwith their reply forwarded an affidavit stating that the institution will become composite as and when the file for the course will be processed. The wording of the affidavit is different from that indicated in the show cause notice i.e. that the institutions shall ensure that they become composite institution before the commencement of the academic session 2016-16. Regarding N.O.C. from affiliating body the appellant stated that he has sent a letter dt. 30.09.2015 to the Director, SCERT, Gurgaon requesting issue of a N.O.C and enclosed a copy thereof. Regarding negative recommendation of the State Government, the Committee noted that the N.R.C. wrote a letter NRC/NCTE/D.El.Ed./SL/2015/91639-656 dt. 20.03.2015 to the Principal Secretary, Department of School Education, Government of Haryana forwarding copies of applications re-submitted by 16 institutions for conducting D.El.Ed. course for the recommendations of the State Government as per Clause 7(5) of the NCTE Regulations, 2014. It is noticed that the name of the appellant institution did not figure in that list. There is no correspondence in the file of N.R.C indicating whether any



separate letter has been sent in respect of the institution. The Committee also noted that the ground of negative recommendation included in the refusal order has not been mentioned in the show notice. In these circumstances, negative recommendation of the State Government after the N.R.C. took up the matter for re-processing, does not appear to exist.

AND WHEREAS the Committee in the above circumstances concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations. The appellant is directed to submit an affidavit regarding composite institution as per the language used in the Show Cause Notice.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations. The appellant is directed to submit an affidavit regarding composite institution as per the language used in the Show Cause Notice.

NOW THEREFORE, the Council hereby remands back the case of Saraswati Devi College of Education, Pataudi, Gurgaon, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

1. The Secretary, Saraswati Devi College of Education, V.P.O. – Janaula, Pataudi, Gurgaon, Haryana – 122503.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(20)



F.No.89-88/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

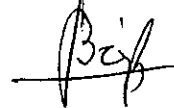
WHEREAS the appeal of R.A.S. College of Education, Mewat, Haryana dated 19/02/2016 is against the Order No. NRC/NCTE/NRCAPP-6867/240th Meeting/2015/132735-40 dated 30.12.2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendation of State of Haryana. Hence the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993, FDRs, if any, be returned to the institution.

AND WHEREAS aggrieved by the order of the N.R.C., the appellant filed a Writ Petition WP (C) 1360/2016&CM APPLs 5957-5958/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016 disposed of the Writ Petition with a direction to respondent NCTE to decide the appeal as expeditiously as possible, but not later than 03.03.2016. The Hon'ble High Court has not expressed any opinion on the controversy and rights and contentions of all parties are left open.

AND WHEREAS Sh. Partap Singh, Manager, R.A.S. College of Education, Mewat, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that when they applied for granting D.El.Ed. (J.B.T.) course application to NCTE in 2012, there was no need of NOC from affiliating body accordance with the regulation of NCTE 2009. The requirement of NOC from affiliated body was made mandatory under NCTE Regulation 2014 (as amended). About Negative recommendation by the State of Haryana, it is submitted that when we applied for granting recognition, there was no negative recommendation by State of

Haryana. The institution also approached Hon'ble Delhi High Court vide W.P.(C) No. 7837/2013 dated 24/11/2014, Hon'ble Court observed that "The input of State Govt. as a stake holder under certain Rule is certainly relevant but it cannot be accepted as 'Gospel truth.' Hence negative recommendation of State should not be held as a ground of rejection. In the light of above decision, rejection of our application is nothing but contempt of Hon'ble High Court. Society also submits that the creation of infrastructure has costed a huge drain on scarce resources of society. The building has been designed and constructed for D.El.Ed. College. This huge investment is lying waste since last three years. The appellant society humbly request that the order of not granting recognition to the society be set aside and appropriate relief be granted to the appellant.

AND WHEREAS the Committee noted that the N.R.C. issued a Show Cause Notice to the appellant on 04.09.2015 asking for various informations and documents mentioned therein. The appellant replied on 05.10.2015. The N.R.C. after considering the reply refused recognition on the grounds mentioned in the refusal order. The appellant with his reply to the Show Cause Notice forwarded a copy of their letter dt. 28.09.2015 to the Director, SCERT, Gurgaon, Haryana requesting issue of a N.O.C. Regarding negative recommendation of the State Government the Committee noted that the N.R.C. wrote a letter NRC/NCTE/D.El.Ed./SL/2015/91639-656 dt. 20.03.2015 to the Principal Secretary Department of School Education, Government of Haryana forwarding copies of applications re-submitted by 16 institutions for conducting D.El.Ed. course for the recommendations of the State Government as per Clause 7(5) of the NCTE Regulations, 2014. It is noticed that the name of the appellant institution did not figure in that list. There is no correspondence in the file of N.R.C indicating whether any separate letter has been sent in respect of the institution. The Committee also noted that the ground of negative recommendation included in the refusal order has not been mentioned in the show notice. In these circumstances, negative recommendation of the State Government after the N.R.C. took up the matter for re-processing, does not appear to exist.



AND WHEREAS the Committee in the above circumstances, concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations.

NOW THEREFORE, the Council hereby remands back the case of R.A.S. College of Education, Mewat, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglar Singh)
Member Secretary

1. The Chairman, R.A.S. College of Education, Vill. – Khatiwas, P.O. – Tauru, Distt. – Mewat, Haryana – 122105.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.

(21)



F.No.89-89/2016 Appeal/4th Meeting-2016
NATIONAL COUNCIL FOR TEACHER EDUCATION
Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

WHEREAS the appeal of Rao Raj Singh College of Education, Farruknagar, Gurgaon, Haryana dated 19/02/2016 is against the Order No. NRC/NCTE/NRCAPP-8391/246th Meeting/2015/132301 dated 28/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that a proof/evidence to the effect that it is a composite institution as per provisions of the NCTE Regulations, 2014. NOC from concerned affiliating body required under clause 5(3) of the NCTE Regulations, 2014. Negative recommendations of State of Haryana. The land is lease on the date of application. Hence, the Committee decided that recognition / permission to the institution is refused u/s 14/15 (3)(b) of the NCTE Act, 1993. FDRs, if any, be returned to the institution."

AND WHEREAS aggrieved by the order of the N.R.C., the appellant field a Writ Petition WP (C) 1376/2016 & CM APPLs 5986-5987/2016 before the Hon'ble of High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016 disposed of the Writ Petition with a direction to respondent NCTE to decide the appeal as expeditiously as possible, but not later than 03.03.2016. The Hon'ble High Court has not expressed any opinion on the controversy and rights and contentions of all parties are left open.

AND WHEREAS Sh. Kapish Kumar, Secretary, Rao Raj Singh College of Education, Farruknagar, Gurgaon, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation, the appellant made detailed submissions covering various issues. Specifically, the submissions made in respect of the four grounds on which N.R.C. refused recognition are as follows:-

- (i) **Proof of evidence that the applicant is a composite institution:-**

The appellant submitted the application during 2012 when the 2009 Regulations were in force, which permitted submission of one application only. Their application was not decided for the academic session 2015-16 as directed by the Hon'ble Delhi High Court. NCTE's clarification dt. 06.02.2015 that institutions should become composite institutions not later than 2016-17 is contrary to the provision of clause 8(1) of the NCTE Regulations 2014. All the Regional Committees except the N.R.C. have processed the pending applications of stand alone without insisting upon the requirement of composite institutions. Requirement of becoming composite institution can be enforced by the N.R.C. only after recognition is granted for at least one course.

(ii) NOC from the affiliating body required under Clause 5(3) of the NCTE Regulations, 2014:-

There is no provision in the 2014 Regulations for submission of NOC in cases where applications were pending. There is no provision in these Regulations which enabled the appellant to submit a fresh application for 2015-16 session. The NOC is applicable only to new applications as it has to accompany such applications. Regional Committee processed applications without insisting on production of NOC and granted recognition for 2015-16 session.

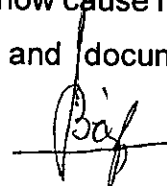
(iii) Negative recommendation of the State Government.

As per law declared by the Hon'ble Supreme Court of India, NCTE is the final authority to grant recognition and absence or non-grant of NOC by the State Government is immaterial and irrelevant as far as the power of the NCTE is concerned. The State Government has not sent any specific recommendation in respect of the appellant institution and a general omnibus recommendation sent by the State Government has been accepted as a gospel truth by N.R.C. which rejected the application. N.R.C. did not issue any Show Cause Notice on this ground.

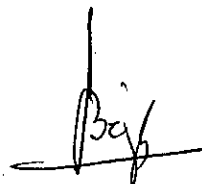
(iv) Land is on lease on the date of application:-

Initially the land was on lease but as soon as the N.R.C. pointed out the said objection, the appellant got the same land transferred in the name of the society by a registered sale deed in March, 2015.

AND WHEREAS the Committee noted that the N.R.C. issued a show cause notice to the appellant on 08.09.2015 asking for various informations and documents



mentioned therein. The appellant replied on 07.10.2015. After considering the reply, N.R.C. refused recognition on the grounds mentioned in the refusal order dt. 28.12.2015. From the wording of the show cause notice and the reply thereto, the Committee noticed that as required in the show cause notice, the appellant furnished an affidavit affirming that they will become a composite one before commencement of the academic session 2016-17. Therefore the first ground of refusal does not stand. Regarding the N.O.C. from the affiliating body, the Committee noted that the N.R.C. sent a list of 16 institutions, whose applications for grant of recognition for D.El.Ed. course were pending, to the SCERT, Haryana with their letter dt. 27.03.2015. The name of the appellant did not figure in that list. There is no reply from the SCERT. However in response to the show cause notice dt. 08.09.2015, the appellant informed that they have applied to the SCERT on 21.09.2015 for an N.O.C. and enclosed a copy their letter dt. 21.09.2015. This reply read with the submission of the appellant regarding non-applicability of N.O.C. to the pending applications, invalidates this ground of refusal also. Regarding the third ground, namely, negative recommendation of the State Government, the Committee noted that the N.R.C. sent a list of 16 institutions whose applications for grant of recognition for D.El.Ed. course were pending, to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015. The name of the appellant did not figure in that. The file does not indicate whether any separate letter has been written in respect of the appellant institution. According to the provisions of clauses 7(5) and (6) of the NCTE Regulations, 2014 if no reply is received from the State Government even after issue of two reminders, the Regional Committee shall process and decide the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendations of the State Government. In the case of the appellant institution no recommendation appears to have been received from the State Government. Further as submitted in the appeal, no show cause notice was issued on the ground of negative recommendation of the State Government. In these circumstances, this ground also does not stand. Regarding the fourth ground, namely, land being on lease, the appellant with his reply to the show cause notice submitted a registered document dt. 31.03.2015. According the provisions of 2014 Regulations land should, on the date of application, be

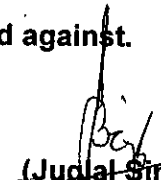


in the possession of the society or institution on ownership basis or on lease from Government or Government institutions. Similar provisions existed in the 2009 Regulations also. Since the application submitted by the appellant on 31.12.2012 is being considered, this ground of rejection is valid.

AND WHEREAS in view of the above position, the Committee concluded that the N.R.C. was justified in refusing recognition on the ground that at the time of application the land was on lease and therefore, the appeal deserved to be rejected and the order of the N.R.C. confirmed.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, the documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the NRC was justified in refusing recognition and therefore, the appeal deserved to be rejected and the order of the NRC is confirmed.

NOW THEREFORE, the Council hereby confirms the Order appealed against.


(Juglal Singh)
Member Secretary

1. The Secretary, Rao Raj Singh College of Education, Babra Bakipur, P.O. – Jamalpur, The. – Farruknagar, Distt. – Gurgaon, Haryana – 122503.
2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.
3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.
4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.



F.No.89-93/2016 Appeal/4th Meeting-2016

NATIONAL COUNCIL FOR TEACHER EDUCATION

Hans Bhawan, Wing II, 1, Bahadurshah Zafar Marg, New Delhi - 110 002

Date: 18/04/2016

ORDER

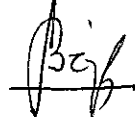
WHEREAS the appeal of Modern College of Education, Badarpur, Faridabad, Haryana dated 20/02/2016 is against the Order No. NRC/NCTE/NRCAPP-6603/246th Meeting/2015/132564 dated 30/12/2015 of the Northern Regional Committee, refusing recognition for conducting D.El.Ed. Course on the grounds that a proof/evidence to the effect that it is a composite institution, as per provisions of the NCTE, Regulations, 2014. NOC from concerned affiliating body required under Clause 5(3) of the NCTE Regulations, 2014. Banned D.El.Ed. in Haryana State.

AND WHEREAS aggrieved by the order of the N.R.C., the appellant filed a Writ Petition WP (C) 1365/2016 & CM APPLs 5965-5966/2016 before the Hon'ble High Court of Delhi at New Delhi. The Hon'ble High Court in their order dt. 24.02.2016 disposed of the Writ Petition with a direction to respondent NCTE to decide the appeal as expeditiously as possible, but not later than 03.03.2016. The Hon'ble High Court has not expressed any opinion on the controversy and rights and contentions of all parties are left open.

AND WHEREAS Sh. Manoj Kumar, Chairman, Modern College of Education, Badarpur, Faridabad, Haryana presented the case of the appellant institution on 21/03/2016. In the appeal and during personal presentation it was submitted that as per NCTE Regulation, 2014 in case the institution which are not composite at present shall ensure that they have become composite institutions when NCTE invite application as and when commencement of academic session. An affidavit to effect is required to be submitted by the institutions to NRC, NCTE. The institution has already submitted an

affidavit of Rs. 100 in this regards to NRC, NCTE in its reply. At the time of inviting application in 2012, NOC of affiliating body was not mentioned by NCTE. However, after intimation by NRC, NCTE under NCTE Regulation, 2014 the institution has applied for NOC from SCERT Gurgaon and submitted the application to the concerned affiliating body. A copy of application was submitted to NRC, NCTE in its reply. Annexure-2. The institution filed W.P. No. 7586/2013 in Hon'ble High Court of Delhi at New Delhi. The Hon'ble Court in its order 24/11/2014 had stated that the input of State Govt. as a stakeholder under certain Rules is certainly relevant but it cannot be accepted as "Gospel truth". Hence negative recommendation should not be held as a ground of rejection. Moreover NCTE is a statutorily designated authority which had invited application for establishing teacher education colleges in 2012. The creation of college infrastructure has costed the trust a huge drain on capital, manpower, time and efforts. The huge investment is lying waste and the resources could have been effectively utilized to impart teacher education to rural masses. Keeping the above in view, it is earnestly requested that the order of NRC be set aside and recognition be granted to our institution.

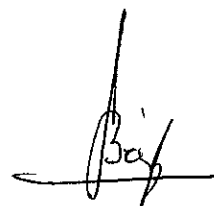
AND WHEREAS the Committee noted that the N.R.C. issued a show cause notice to the appellant on 08.09.2015 asking for various informations and documents mentioned therein. The appellant replied on 14.10.2015. The N.R.C. after considering the reply refused recognition on the grounds mentioned in their order dt. 30.12.2015. From the reply of the appellant to the show cause notice, regarding becoming composite institution, the Committee noted that the appellant submitted an affidavit stating that the institution will become composite as and when the file for the course will be processed. According to the show cause notice, the affidavit should state that the institution will ensure that they become composite institution before commencement of the academic session 2016-17. Regarding the NOC from the affiliating body, the Committee noted that the N.R.C. sent a list of 16 institutions, whose applications for grant of recognition for D.El.Ed. course were pending, to the SCERT, Haryana with their letter dt. 27.03.2015. The name of the appellant did not figure in that list. There is no reply from the SCERT. However in response to the show cause notice dt. 08.09.2015, the



appellant informed that they have applied to SCERT on 1.10.2015 for an N.O.C. and enclosed a copy of their letter dt. 1.10.2015. This reply alongwith the submission of the appellant that at the time of inviting applications in 2012, NOC of affiliating body was not mentioned by NCTE invalidates this ground. Regarding the ground of ban of D.El.Ed. in Haryana State, the Committee noted that the N.R.C. sent a list of 16 institution whose applications for grant of recognition for D.El.Ed. course were pending, to the Principal Secretary, Department of School Education, Government of Haryana with their letter dt. 20.03.2015. The name of the appellant did not figure in that. The file does not indicate whether any separate letter has been written in respect of the appellant institution. According to the provisions of Clause 7(5) and (6) of the NCTE Regulations 2014, if no reply is received from the State Government even after issue of two reminders, the Regional Committee shall process and decide the case on merits and placing the application before the Regional Committee shall not be deferred on account of non-receipt of comments or recommendations of the State Government. In the case of the appellant institution no recommendation appears to have been received from the State Government. Further as submitted in the appeal, no show cause notice was issued on the ground of negative recommendation of the State Government. In these circumstances, this ground also does not stand.

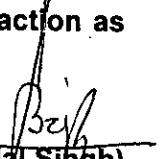
AND WHEREAS in view of the above position, the Committee concluded that the matter deserved to be remanded to the N.R.C. with a direction to take further action as per the Regulations. The appellant is directed to submit the required affidavit regarding composite institution as per the language used in of the show cause notice.

AND WHEREAS after perusal of the memorandum of appeal, affidavit, documents available on records and considering the oral arguments advanced during the hearing, the Committee concluded that the appeal deserves to be remanded to NRC with a direction to take further action as per the Regulations. The appellant is directed to submit the required affidavit regarding composite institution as per the language used in the show cause notice.

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- 4 -

NOW THEREFORE, the Council hereby remands back the case of Modern College of Education, Badarpur, Faridabad, Haryana to the NRC, NCTE, for necessary action as indicated above.


(Juglal Singh)
Member Secretary

- 1. The Chairman, Modern College of Education, Plot No. 125/116/11 Village Jasana, PO – Badarpur, Faridabad, Haryana – 121001.**
- 2. The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Shastri Bhawan, New Delhi.**
- 3. Regional Director, Northern Regional Committee, Fourth Floor, Jeevan Nidhi-II, LIC Building, Bhawani Singh Marg, Ambedkar Circle, Jaipur - 302005, Rajasthan.**
- 4. The Secretary, Education (looking after Teacher Education) Government of Haryana, Chandigarh.**